

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION, a  
Washington corporation,

Plaintiff,

v.

JOHN DOES 1-10 d/b/a explore-msn.com,

Defendants.

CASE NO. C05-0568P-(RSM)  
“Phishing” Litigation

ORDER FOR CONSOLIDATION  
AND GRANTING LEAVE TO  
CONDUCT THIRD-PARTY  
DISCOVERY

This matter comes before the Court on plaintiff’s request for consolidation, and motion for extension of time in which to complete third party discovery. (Dkt. #7). Plaintiff asks this Court to consolidate eleven related cases, asserting that all involve the same claims and questions of law. The related cases, found at C05-0569P-(RSM), C05-0572P-(RSM), C05-0573P-(RSM), C05-0575P-(RSM), C05-0586P-(RSM), C05-0589P-(RSM), C05-0594P(RSM), C05-0612P-(RSM), C05-0616P(RSM) and C05-0623P-(RSM), have already been transferred to the Honorable Marsha J. Pechman, United States District Judge, as related cases.

Plaintiff also asks this Court to extend the deadline for third-party discovery, asserting that during discovery so far, evidence has been discovered connecting all eleven defendant-websites, which leads plaintiff to believe that one defendant may be responsible for all eleven sites. However, further discovery must take place to identify the defendant or defendants.

Having considered plaintiff’s motion, the Court hereby finds and ORDERS:

1 (1) Plaintiff's motion to consolidate (Dkt. #7) is GRANTED. The Court agrees that the  
2 cases at issue in this motion involve the same claims and common questions of law.

3 (2) The undersigned District Judge is no longer assigned to this consolidated action for  
4 any pre-trial litigation matters. All future matters in this consolidated action will be resolved by  
5 Judge Pechman.

6 (3) All future pleadings in C05-0569P-(RSM), C05-0572P-(RSM), C05-0573P-(RSM),  
7 C05-0575P-(RSM), C05-0586P-(RSM), C05-0589P-(RSM), C05-0594P(RSM), C05-0612P-  
8 (RSM), C05-0616P(RSM) and C05-0623P-(RSM), shall now be filed under one consolidated  
9 case number: C05-0568P "Phishing"Litigation, and shall be encaptioned *Microsoft Corporation*  
10 *v. John Does 1-11*. Judge Martinez's name shall no longer appear in the upper-right corner of  
11 the first page of all pleadings.

12 (4) Plaintiff's motion for extension of time in which to complete third-party discovery  
13 (Dkt. #7) is GRANTED. Microsoft Corporation ("Microsoft") shall have until December 16,  
14 2005, to conduct the discovery, including issuing subpoenas to, and conducting depositions of,  
15 third party web hosts, script hosts, domain registrars, domain registrants, e-mail service  
16 providers, Internet Service Providers, payment processors, financial institutions, and affiliate  
17 program operators, as reasonably necessary to identify and effect service of the summons and  
18 complaint on the Doe defendants.

19 (5) The Clerk SHALL post a copy of this Order in C05-0569P-(RSM), C05-0572P-  
20 (RSM), C05-0573P-(RSM), C05-0575P-(RSM), C05-0586P-(RSM), C05-0589P-(RSM), C05-  
21 0594P(RSM), C05-0612P-(RSM), C05-0616P(RSM) and C05-0623P-(RSM), and shall send a  
22 copy to all counsel of record in those cases.

23 DATED this 1 day of November, 2005.

24 

25 RICARDO S. MARTINEZ  
26 UNITED STATES DISTRICT JUDGE